

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 18-02317

PRESENT: WHALEN, P.J., SMITH, CARNI, NEMOYER, AND CURRAN, JJ.

HELEN M. NAZARETH AND MICHAEL NAZARETH,
PLAINTIFFS-RESPONDENTS,

V

ORDER

JEFFREY J. BULL AND ROBERTS ROOFING &
SIDING CO., INC., DEFENDANTS-APPELLANTS.

COSTELLO, COONEY & FEARON, PLLC, CAMILLUS (MAUREEN G. FATCHERIC OF
COUNSEL), FOR DEFENDANTS-APPELLANTS.

LIPPES MATHIAS WEXLER FRIEDMAN LLP, BUFFALO (BRENDAN H. LITTLE OF
COUNSEL), FOR PLAINTIFFS-RESPONDENTS.

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered June 26, 2018. The order, insofar as appealed from, granted the motion of plaintiffs for partial summary judgment on the issue of serious injury.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on May 6, 2019,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: June 7, 2019

Mark W. Bennett
Clerk of the Court